

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : SCHULTE et al.) I hereby certify that this paper (and/or
U.S. Serial No. : 10/754,812) fee) is being electronically deposited
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Title : "Resilient Retention) Trademark Office
System for a Door Panel")
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Art Unit : 3634) /Keith R. Jarosik/
Examiner : Gregory J. Strimbu) Keith R. Jarosik
) Registration No. 47,683
)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO THE OFFICE ACTION OF JUNE 23, 2006

Dear Sir:

In response to the Office action dated June 23, 2006, please enter the following amendments and consider the following remarks. This response is timely filed within three months of the mailing date of the present action.

Changes to the Specification begin on page 2 of this paper.

The Status of the Claims is reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 11 of this paper.

Changes to the Specification

Please amend the paragraph beginning at page 2, line 31, as follows:

-- Nonetheless, some sliding doors do have floor-mounted hardware, such as those disclosed in U. S. Patents 4,404,770; 3,611,637 and 4,651,469. The '667 '637 patent has a lower track, but the track apparently is not intended to provide a breakaway function. The same appears to be true for the '770 patent. For the '469 patent, at first glance Figure 10 makes the door panel appear as though it can breakaway; however, ~~the patent does not explain how or whether there is no indication that~~ the lower edge of the door panel can actually get past its floor-mounted guide. --

This listing of claims will replace all prior versions, and listings, of claims in the application:

The Status of the Claims:

1. (currently amended) A door ~~being movable relative to surrounding structure for at least partially covering a doorway of defined by a surrounding structure that includes a wall and a floor, wherein the door is movable relative to the surrounding structure and may be subjected to an impact force, the door comprising:~~
 - an upper track;
 - a door panel suspended from the upper track and being movable horizontally across the doorway along a predetermined normal path;
 - a lower track disposed below the upper track and above the floor, wherein the lower track is being attachable to one of the door panel and the surrounding structure;
 - a panel retention system adapted to be carried by one of the door panel and the surrounding structure, wherein the panel retention system is movably connected to the lower track such that the panel retention system and the lower track provide relative traveling motion therebetween to help guide the door panel along the predetermined normal path; and

a resilient connection provided by at least one of the lower track and or the panel retention system, wherein the resilient connection takes a yield mode when the impact force exceed a predetermined level and has a yield point that when exceeded forces the resilient connection into a yield mode where the door panel moves beyond the predetermined normal path, and afterwards the resilient connection automatically returns to a normal mode where the door panel is back within the predetermined normal path and the impact force is below the predetermined level.

2. (original) The door of claim 1, wherein the door panel carries the panel retention system.

3. (original) The door of claim 1, wherein the door panel carries the lower track.

4. (original) The door of claim 1, wherein the panel retention system remains in contact with the lower track even when the resilient connection is in the yield mode and the door panel moves beyond the predetermined normal path.

5. (withdrawn) The door of claim 1, wherein the panel retention system separates from the lower track when the door panel moves beyond the predetermined normal path.

6. (original) The door of claim 1, wherein the resilient connection automatically returns to its normal mode by virtue of the resilient connection being resilient.

7. (original) The door of claim 1, wherein the lower track is a stationary bar.

8. (original) The door of claim 1, wherein the panel retention system comprises a spring and a track follower, wherein the track follower engages the track and the spring is coupled to the track follower to urge the door panel toward the predetermined normal path when the door panel is beyond the predetermined normal path.

9. (original) The door of claim 8, wherein the spring is disposed within a tube.

10. (original) The door of claim 9, wherein the spring is a tension spring.

11. (original) The door of claim 8, further comprising a pliable elongate member coupling the spring to the track follower.

12. (original) The door of claim 11, wherein the pliable elongate member has a length that is adjustable to vary the yield point.

13. (withdrawn) The door of claim 1, wherein the resilient connection automatically returns to the normal mode by simply opening and closing the door.

14. (original) The door of claim 1, wherein the lower track includes the resilient connection.

15. (original) The door of claim 1, wherein the panel retention system includes the resilient connection.

16. (original) A door for at least partially covering a doorway of defined by a wall and a floor, the door comprising:

an upper track;

a door panel suspended from the upper track and being movable horizontally across the doorway along a predetermined normal path;

a lower track disposed below the upper track and above the floor, wherein the lower track is being attachable to one of the door panel and the wall;

a panel retention system carried by one of the door panel and the wall;

a track follower borne by the panel retention system, wherein the track follower is movably connected the lower track such that the track follower and the lower track provide relative traveling motion therebetween to help guide the door panel along the predetermined normal path; and

a spring borne by the panel retention system, coupled to the track follower, and having a yield point such that when the door panel moves beyond the predetermined normal path the spring yields but urges the door panel back to the predetermined normal path,

wherein the track follower remains engaged with the lower track even when the door panel moves beyond the predetermined normal path.

17. (original) The door of claim 16, further comprising a pliable elongate member coupling the spring to the track follower.

18. (original) The door of claim 17, wherein the pliable elongate member has a length that is adjustable to vary the yield point.
19. (original) The door of claim 16, wherein the door panel carries the panel retention system.
20. (original) The door of claim 16, wherein the door panel carries the lower track.
21. (original) The door of claim 16, wherein the spring is disposed within a tube.
22. (original) The door of claim 16, wherein the spring is a tension spring.
23. (withdrawn) A door for at least partially covering a doorway of a wall, comprising:
 - an upper track;
 - a door panel suspended from the upper track and being movable horizontally across the doorway along a predetermined normal path;
 - a lower track disposed below the upper track and being attachable to one of the door panel and the wall;
 - a track follower engaging the lower track such that the track follower and the lower track provide relative traveling motion therebetween to help guide the door panel along the predetermined normal path; and

a resilient connection provided by at least one of the track and the track follower, wherein the resilient connection has a yield point such that when the door panel moves beyond the predetermined normal path, the resilient connection yields to allow the track follower to separate from the lower track, wherein door panel automatically returns to the predetermined normal path and the track follower automatically re-engages the lower track upon opening and closing the door.

24. (withdrawn) The door of claim 23, wherein the door panel carries the track follower.

25. (withdrawn) The door of claim 23, wherein the door panel carries the lower track.

26. (withdrawn) The door of claim 23, wherein the lower track includes the resilient connection.

27. (withdrawn) The door of claim 23, wherein the panel retention system includes the resilient connection.

28. (withdrawn) A door being movable relative to a floor for at least partially covering a doorway of a wall, comprising:

an upper track;
a door panel suspended from the upper track and being movable horizontally across the doorway along a predetermined normal path;

a lower track disposed below the upper track and being attachable to one of the door panel and the floor;

a panel retention system carried by one of the door panel and the floor, wherein the panel retention system is movably connected to the lower track such that the panel retention system and the lower track provide relative traveling motion therebetween to help guide the door panel along the predetermined normal path; and

a resilient connection provided by at least one of the track and the panel retention system, wherein the resilient connection has a yield point that when exceeded forces the resilient connection into a yield mode where the door panel moves beyond the predetermined normal path, and afterwards the resilient connection automatically returns to a normal mode where the door panel is back within the predetermined normal path.

29. (withdrawn) The door of claim 28, wherein the panel retention system includes a roller and the resilient connection connects the roller to the door panel.

30. (withdrawn) The door of claim 29, wherein the lower track is between the wall and the roller when the door panel moves beyond the predetermined normal path.

31. (new) A door for at least partially covering a doorway defined by a surrounding structure that includes a wall and a floor, wherein the door is movable relative to the surrounding structure, the door comprising:

an upper track;

a door panel suspended from the upper track and being movable horizontally across the doorway along a predetermined normal path;

a lower track disposed below the upper track and above the floor, wherein the lower track is attachable to one of the door panel and the surrounding structure;

a panel retention system adapted to be carried by one of the door panel and the surrounding structure, wherein the panel retention system is movably connected to the lower track such that the panel retention system and the lower track provide relative traveling motion therebetween to help guide the door panel along the predetermined normal path; and

a resilient connection provided by at least one of the lower track and the panel retention system, wherein the resilient connection limits movement of the door panel out of the predetermined normal path.

REMARKS

Claims 1-4, 6-12, 14-22, and 31 are pending and at issue in the above identified patent application, with claims 5, 13, and 23-30 withdrawn as directed to a non-elected species. Of the claims currently at issue, claims 1, 16, and new claim 31 are independent claims. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Specification

The disclosure was objected to for containing an embedded hyperlink and/or other form of browser executable code. The applicants have diligently attempted to locate the objected to passage, but have been unable to do so. Accordingly, the applicants respectfully request that the examiner specifically identify the location of the objected to passage so that proper correction may be taken.

The disclosure was also rejected for a typographical error on line 32 of page 2. The specification has been amended to correct the identified typographical error. The foregoing modification should eliminate and objection to the specification.

The Rejections under 35 U.S.C. § 112

Claims 1-4, 6-12, and 14-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claim 1 has been amended to recite that the door may be subjected to an impact force, and that beyond a predetermined impact force, the resilient connection takes a yield mode. The foregoing should eliminate any rejection under 35 U.S.C. §112 that may have been proper.

35 U.S.C. § 102(b) Rejections

Claims 1, 2, 4, 6-12, 14-19, 21, and 22 were rejected as anticipated by Linstadt (US 1,802,519). It is respectfully submitted that amended claims 1 and 16 are allowable over this patent for at least the reasons set forth below.

As amended, independent claims 1 and 16, as well as new claim 31, are generally directed to a door for at least partially covering a doorway, including a lower track disposed above the floor defining the doorway. In particular, the independent claims recite, *inter alia*, a lower track disposed below an upper track and above the floor, wherein the lower track is attachable to one of the door panel and the surrounding structure.

Linstadt does not describe or suggest a lower track disposed above the floor. In contrast, as shown in FIG. 2 of Linstadt, the lower track (8) is disposed below the floor, or sill, (6). Moreover, as noted in Linstadt, “the primary object of the invention is to provide a barn door bottom track and guide which will effectively hold the lower part of the door in a position against the door sill and which is of such construction that cattle passing over the sill will not damage the track.” (Linstadt, page 1, ll. 4-10). Therefore, Linstadt suggests against the use of a lower track above the floor, because the described lower track spans the width of the doorway and to do so would create an undesirable obstruction, thereby defeating the primary object of Linstadt.

Thus, due to the deficiencies in Linstadt, it follows that Linstadt cannot anticipate claims 1, 16, 31, or any claims dependent thereon. In particular, because Linstadt does not disclose or suggest a lower track disposed above the floor defining a doorway, Linstadt cannot anticipate claims 1, 16, and 31. Accordingly, for at least the foregoing

reasons, it is respectfully submitted that claims 1, 16, 31, and all claims dependent thereon are in condition for allowance.

35 U.S.C. § 103(a) Rejections

Dependent claims 3 and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Linstadt. Claim 3 depends from independent claim 1, whereas claim 20 depends from independent claim 16, and both claims define over Linstadt for at least the reasons detailed above. Accordingly, dependent claims 3 and 20 are in a condition for allowance.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is authorized to charge any fee deficiency required by this, or any other future filings, to Deposit Account No. 50-2455.

Respectfully submitted,
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